

## Peru: Human rights situation

Although Peru has ratified most international human rights instruments, there remain some serious problems, such as violent repression of civil demonstrations, attacks on journalists, corruption and impunity, and even torture. However, significant measures have been taken to tackle violence against women and sexual minorities.

### Ratification of international instruments

Peru has [ratified](#) the main international human rights instruments (with the exceptions of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights). In 1978, Peru became a party to the [Pact of San José](#) (American Convention on Human Rights), a vital instrument of the inter-American human rights system. In 2008 and 2012, Peru underwent a universal periodic review ([first](#) and [second](#) cycle, respectively) by the UN Human Rights Council.

### Human rights in practice

#### *Freedoms and citizens' rights*

Peru's Constitution enshrines [freedom of speech](#) and of the press; overall, the government respects both freedoms. Nevertheless, [journalists](#) investigating corruption or misuse of force by the police have frequently been the object of physical attacks, threats or criminal defamation suits (libel is criminalised by law). Although public access to government information is provided by law, the fact that information related to national security and defence is classified has been seen as an attack on the freedom of the press and of information. Freedom of assembly and freedom of association are also guaranteed by the Constitution, yet demonstrations may be forbidden for health or public safety reasons. In Las Bambas, the site of a controversial Chinese-led open-cast copper mine in the Andean Apurímac Department operating [since January 2016](#), the locals have been asking to be compensated for the occupation of their land. Their protests, which escalated in [late 2015](#) and again in [October 2016](#), have been met with arbitrary violence by police and security forces, leaving several police officers and *comuneros* injured or killed. The new president, Pedro Pablo Kuczynski, [has been called upon](#) to mediate in the troubled area. Similar anti-mining protests leading to deadly clashes have flared up frequently in many [other parts](#) of the country, especially in southern departments such as Moquegua ([Tía María](#) mine) and Arequipa ([Cerro Verde](#) mine). According to the National Coordinator for Human Rights ([CNDDHH](#)) and a [report](#) by the Mining Conflict Observatory (OCM), at least 50 people were killed and 750 wounded in the context of unresolved social conflicts during former President Ollanta Humala's term (2011-2016). Nearly [half](#) of Peru's social conflicts are related to mining.

#### *Human dignity*

In 2006, Peru ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment ([OPCAT](#)), obliging the country to implement a national preventive mechanism against torture. However, former presidents Alan García and Ollanta Humala failed to do so, the latter having vetoed a bill in 2015 that had already been adopted by the Congress, claiming [budgetary](#) shortages. [Human Rights Watch](#) identifies torture – including cruel, inhuman and degrading treatment – as a 'chronic problem' in Peru. It is [committed](#) primarily, but not exclusively, in detention centres against suspects and detainees, in barracks as a disciplinary measure against soldiers, and against vulnerable groups during police operations.

On the eve of the 2016 Peruvian general election, guerrillas of the Sendero Luminoso ('Shining Path' Maoist insurgency) marked an inglorious come-back by mounting a deadly [attack](#) on a Peruvian military convoy in a remote part of the Junín Department. On the same day, Sendero Luminoso launched another [minor raid](#) in the Ayacucho Department, leaving no casualties. Sendero Luminoso has a history of forcing rural communities, comprised mostly of members of the [Asháninka](#) indigenous group, to serve as a source of child



soldiers, in order to ensure future troop strength. [Female victims](#) have been exposed to rape and forced labour; some hostages have lived in captivity for [decades](#). In August 2015, Peruvian security forces succeeded in [liberating](#) 54 people in Junín's Satipo Province. The Inter-American Commission on Human Rights (IACHR) has hailed Peru's efforts to support victims of the [terrorist conflict](#): about 220 000 families have received symbolic compensation and medical aid for the violence they suffered between 1980 and 2000. The recent [Law](#) on the search for missing persons has also been welcome by [UN human rights experts](#).

#### *Justice*

In 2014, the IACHR [criticised](#) Peru for amending Article 20(11) to Law No 30151 of the country's Criminal Code, stating that any 'personnel of the Armed Forces or National Police of Peru who cause injury or death in the performance of their duties and through the use of their weapons or other means of defence', would be exempt from liability for criminal prosecution. In 2015, the IACHR filed an application with the International Court of Human Rights – which is recognised by Peru – in connection with [several cases](#) involving a violation of the rights to a fair trial and to judicial protection, in particular affecting employees from Petroperú state oil and gas company, the seaport administration company (ENAPU) and some ministries.

#### *Equality*

Discrimination persists, although it [is forbidden](#) by the Constitution, and so do violations of [indigenous peoples'](#) rights, by way of land expropriation and other forceful means. In [early January](#) 2017, the government passed [Legislative Decree No 1323](#), which modifies certain articles of the Criminal Code to facilitate the prosecution of femicide and domestic and gender violence. This step, heavily [criticised](#) by ultra-conservative circles, marks a [milestone](#): for the first time in Peru's legal history, a decree incorporates, in an explicit manner, gender-based identity as well as sexual orientation as motives and causes for discrimination and hate crime. According to detailed [reports](#) of the [Gender Equality Observatory](#) of the Economic Commission for Latin America and the Caribbean (ECLAC), Peru ranks among the countries featuring the highest rates of [femicide](#) in Latin America and the Caribbean, a problem also highlighted by independent [analysts](#). In March 2015, a legislative [proposal](#) to grant equal rights to LGBT couples was rejected by the Parliament.

### **Relations with the EU and EP position**

The human rights dialogue between Peru and the EU institutions has focused on the rights of vulnerable populations such as women and the LGBT community, as well as on the recommendations of the [Truth and Reconciliation Commission](#) established in 2001 after the fall of President Fujimori. Under the European Instrument for Democracy and Human Rights (EIDHR), from which Peru received [€0.61 million](#) in 2014, a project was signed with Peru and other Latin American countries, with the aim of protecting and supporting indigenous peoples and rural women against the impact of mining and similar industries. Other topics of interest for the EU include forced labour, freedom of association, the right to collective bargaining, and drug trafficking. The [trade agreement](#) between the EU and Colombia/Peru, in force since 2013, contains an explicit [human rights clause](#) (Article 1). Furthermore, the 2016 EU-Peru [visa waiver agreement](#) is expected to intensify political dialogue, including on human rights and fundamental freedoms, between the two parties.

In a June 2012 [resolution](#) on the EU trade agreement with Peru and Colombia, the European Parliament welcomed the commitment by all parties to the promotion of human rights, democratic principles and the rule of law, and underlined the importance of maintaining a constructive dialogue on the implementation of higher human rights standards; suggested establishing a domestic advisory group on human rights and democratic principles to accompany the implementation of the trade agreement; and endorsed all legislative and non-legislative measures taken by both countries to safeguard children's and women's rights, to promote indigenous peoples' rights and to restore justice.

### **Possible evolution**

The [national human rights roadmap 2014-2016](#), drafted by the Ministry of Justice, featured social and cultural approaches, including 50 clearly defined goals, aimed at ensuring dignity and respect for human rights in all sectors of society. However, several human rights associations have [strongly criticised](#) the government's proposal to sacrifice human rights issues in favour of questionable economic interests, and have argued for a revival of the participatory deliberation process. According to the [national coordinator for human rights](#), recent declarations by President Pedro Pablo Kuczynski, calling for 'turning the page' on the past, do not give much hope for the future prospects of human rights in Peru, despite the [commitments](#) he made to victims of abuses as a candidate.